

Becker County Planning Commission – Special Meeting
January 9th, 2024

Members Present: Chairman Dave Blomseth, Tom Disse, Kohl Skalin, Tommy Ailie, County Commissioner Erica Jepson, Harvey Aho, Nick Bowers, Steve Lindow, Jeff Moritz, Mary Seaberg, Kim Mattson, County Commissioner John Okeson, Craig Hall, and Zoning Director Kyle Vareberg. **Members Absent:** None

Chairman Dave Blomseth called the Planning Commission Special meeting to order at 8:00 am. Becker County Zoning Technician Nicole Bradbury recorded the minutes.

Chairman Dave Blomseth clarified the intent of the meeting, which was to consider findings of fact drafted by staff and counsel to be consistent with the motion made on December 20th, 2023, regarding the Soo Pass Ranch/Lake Sallie Homes application and to consider removal of a member for non-performance of duty or misconduct in office. He stated there would be no public comment allowed for this meeting.

First Order of Business: Findings of Fact

The proposed findings were as follows:

FINDINGS, REPORT AND RECOMMENDATION

1. By Application completed November 28th, 2023 (the “Application”), Soo Pass Ranch Inc has requested a Conditional Use Permit (“CUP”) to allow for a Shoreland Conservation Subdivision Development containing 16 units on approximately 32 acres of land (to be subdivided from original tract of land) located generally in Government lot one of Section 17 and Government lots five and six Section 16, Township 138, Range 041 in Becker County.
2. Chapter 8, Section 11 of the County Zoning Ordinance identifies the decisional criteria that apply to CUP requests. Subpart F of this Section indicates:

No conditional use shall be recommended by the County Planning Commission or granted by the Board of County Commissioners unless the Commission or the Board shall find that all of the following criteria are met:

1. **Affect on surrounding property.** That the conditional use will not harm the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
2. **Affect on orderly, consistent development.** That establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. **Adequate facilities.** That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. **Adequate parking.** That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use.
5. **Not a nuisance.** That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.
6. **Additional criteria for shoreland areas.** In Shoreland areas, it shall be found that adequate measures have been or will be taken to assure that:
 - a. **Pollution.** Soil erosion or other possible pollution of public waters will be prevented, both during and after construction;

- b. **View from public waters.** That the visibility of structures and other facilities as viewed from public waters will be limited;
 - c. **Adequate utilities.** That the site is adequate for water supply and on-site sewage treatment; and
 - d. **Watercraft.** That the types, uses, and number of watercrafts that the project will generate can be safely accommodated.
- 3. The Application came before the Planning Commission at its meeting on December 20th, 2023. The Commission conducted the public hearing required by law and took extensive testimony from the applicant and interested parties. The Commission also received written documentation and written testimony.
- 4. Based on review of the documentation submitted and the testimony provided, the Commission recommends to the County Board that it approve the CUP request for the following reasons:
 - 1. **Affect on surrounding property.** That the conditional use will not harm the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.

Testimony given during the public hearing regarding the use and enjoyment of property included concerns for bluff slumping and geo-technical testing. Pictures and testimony provided showed previous bluff slumping in the past on the front side of the slope.

Meadowland Surveying, Owner, Scott Walz indicated construction will be on the back side of the slope ensuring no weight from construction will be on the ridge, and preliminary engineering has been conducted. Also, a house plan, grading plan, and stormwater management plan has been created for each individual unit to minimize any disturbance and accommodate each unique site. Becker County Planning & Zoning also held a meeting with the Environmental Review Technical Panel where geo-technical testing was discussed but not required. The Commission finds through preliminary engineering and further engineering involvement the construction of the sites will not negatively impact or harm the current state of the bluff. The Commission requests as a stipulation that the applicant further consult and agree to contract with an engineering firm for project development regarding the bluff and slope stability.

Testimony was also received indicating a disturbance to the aquatic area for birds and fish. The Commission does not find this project to disturb the area beyond the permissible residential use in the immediate vicinity. Nearly the entire project shoreline will remain in its natural state with one location for docking to be approved by the Minnesota Department of Natural Resources (DNR) which will minimize any potential for unnecessary levels of disturbance.

2. **Affect on orderly, consistent development.** That establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.

The applicant plans to subdivide the current tract of land if approved to provide 32 +/- for the application. The remaining vacant land surrounding and adjacent to the application is owned by the applicant and is currently used as camping for spaces for a permitted country music event known as "We Fest".

3. **Adequate facilities.** That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

If the applicant cannot acquire public utilities for sewer and water from the City of Detroit Lakes, then both septic systems and wells will be installed according to Minnesota Rule and all other applicable rules and ordinances. The site is determined to have adequate space, elevations and setbacks for both septic systems and wells. The applicant is proposing an access road to the property off of Lakeridge Lane. During the public hearing, Lake View Township Supervisor, Brian Saunders stated the Township is requesting the proposed road be built to County Road specifications prior to the Township accepting maintenance requirements of it. The applicant has agreed to build the road to Becker County Class "B" Road specifications. Drainage and a storm water pollution prevention plan (SWPPP) will be engineered to meet or exceed the Pelican River Watershed Districts (PRWD) requirements and the Minnesota Pollution Control Agency (MPCA) requirements. If any other state or local ordinances apply, then the applicant shall also meet or exceed them as well. Electricity and natural gas are accessible on the property. No other necessary utilities are known currently.

4. **Adequate parking.** That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use.

Parking is available at each individual residential site. The project plan also includes indoor storage located within the commonly owned area.

5. **Not a nuisance.** That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.

- b. **View from public waters.** That the visibility of structures and other facilities as viewed from public waters will be limited;

Written and oral testimony received suggested the project provide a conservation subdivision easement. The Commission finds through the existing Becker County Zoning Ordinance requirements for bluffs and steep slopes and deed restrictions and or covenants will ensure the non-buildable bluff area will remain in a vegetated state. This will ensure a very limited view of the units from the public water. The proposal also includes only tier two development which is more than three times the required setback from the public water. This extensive distance will also limit the view from public waters.

- c. **Adequate utilities.** That the site is adequate for water supply and on-site sewage treatment; and

Existing public utilities are in the vicinity of the application. The site is determined to have adequate space, elevations, and setbacks for both septic systems and wells should the application not utilize the existing nearby public utilities.

- d. **Watercraft.** That the types, uses, and number of watercrafts that the project will generate can be safely accommodated.

Docking is proposed at the north end of the project where there is a flat accessible area. The number of units was approved by the Becker County Board of Adjustments with a variance for 16 watercraft which is equivalent to one per unit. Dock location will be finalized with the assistance of the Minnesota DNR.

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27 The members reviewed and discussed each item.

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29 There was discussion on who regulates docking, slip numbers, and buoys.

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31 Vareberg clarified that docking location and slip numbers are regulated by the Department of
32 Natural Resources (DNR) for the most minimal impact to vegetation in an area. He also stated
33 that the Becker County Sheriff's Department is the agency in charge of setting buoys.

34
35 Blomseth referenced an email that was received the night before and is entered below:
36

Dear Becker County Commissioners:

We, Bruce and Pam Paskey, are writing this letter to share our concerns that we have regarding the proposed Lake Sallie Development.

We have lived in our house on Lake Sallie since 1995. Our property address is 24958 Lake Ridge Lane, Detroit Lakes, MN. Our property on Lake Ridge beach is adjacent to the proposed development. If you access the proposed development property through WeFest and drive along the path, it all looks great. However, if you view the property from Lake Ridge Lane, it doesn't look so great. From up on the bluff, to down on the lake side, there are two different pictures of what is going on with this piece of land. We feel that the area below the bluff is being OVERLOOKED, and would like to share some history and pictures with all of you.

Please click on the following links for historical pictures of the bluff:

<https://acrobat.adobe.com/id/urn:aaid:sc:US:f221121d-6074-4d1a-a4d4-cb3c31d7ba62>

<https://acrobat.adobe.com/id/urn:aaid:sc:US:de004e84-7755-45f9-978a-f9df93bb0727>

We are not opposing the project itself, but because of our concerns, we, as taxpayers, are reaching out to the you, the County Commissioners.

In 1998 or 1999, our neighbor, one lot to the south of us, had to move his house to higher ground as it was sliding toward the lake. Refer to the second link, second photo. What does this have to do with this Lake Sallie Bluff development? WE DO NOT KNOW, BUT WE DO HAVE MANY CONCERNS.

Also in the late 1990's, the lot to the north of our house also started to sink and slide into the lake, which caused a large sinkhole. Refer to pictures in both of the links. This sink hole is **20 yards from our house**. The dimensions are 40 yards wide x 40 yards long, and approximately 20 feet deep. This sinkhole is directly BELOW the bluff where there are 3 or 4 proposed houses. As you can see in the photos, the shoreline upheaval is from slope slumping- not ice push.

Please note in the letter from Dick Hecock, dated July 25, 2000: "Sediment is carried down through the depression left by the second slump, exposed clay beds continue to be dispersed into the Lake, the raised shoreline continues to cave into the lake, the slump scar continues to collapse..... There is no doubt that we have a significant erosion hazard to Lake Sallie.... The County and the State have been unsuccessful in attempts to correct the situation..... a plan for site stabilization....."

Our questions:

1. What caused this area to sink and slide into the lake
2. Is the soil up on top of the bluff stable? Will there be issues with the land down below if the land up top is altered?
3. What measures did the County take to correct the situation?

There is an old saying: "If you poke a sleeping bear enough- it will wake up"

Our concern is, that once this land is altered, with all the vibrations from the heavy equipment, the digging, the weight from concrete, etc., is this going to "wake up the OLD BEAR" next to us? Again, WE DO NOT KNOW, BUT WE DO HAVE MANY CONCERNS.

Lot # 8 of this development is on top of the bluff. Approximately 100 yards to the north of the sink hole, on the lakeshore area, there is an artesian well. This well is approximately 10 yards from the water's edge. The well was capped prior to 1995 when we built our house. In the past, I have noticed open water, for approximately 75 yards, in the front of the well, along the shoreline. To the best of my knowledge/memory, there has been open water along this area many, if not every winter.

Another concern: where is this water coming from? What is going on inside the bluff? Is there something inside the bluff contributing? Again, WE DO NOT KNOW, BUT WE DO HAVE MANY CONCERNS. Is there another sleeping bear in this area?

We do not have the answers, but there are experts that can provide the answers to our questions/concerns. Soil experts, geological experts, geotechnical experts. Extensive soil testing to assure that land is stable, would hopefully prevent any future issues with this WHOLE area, not just the land of the top of the bluff where there are houses are planned.

We are requesting that the County be PROACTIVE here, rather than reactive with this project, with the hope that problems could be avoided.

With the technology available, we are wondering why the County would not want to recommend geological sampling. We are also wondering if the engineer responsible for this project specializes in soils or geological engineering.

We are not the experts here, however, having lived here for 30 years, we have witnessed what has been going on with these properties on Lake Ridge Beach.

We would live to have more assurance than what we now have; that our land and property will NOT be affected by this project, in the event that these areas do have issues again. If there are issues, who is responsible and who do we take legal action against?

This is not only for our sake, but also for the Developer's sake, Lake Sallie residents' sake, and any future residents.

We would be happy to answer any questions you may have, explain pictures, etc. We feel the pictures do need explanation to give a complete understanding of our concerns.

We are requesting:

1. That all of you come out to our property and walk around with us.
2. That extensive geological soil testing be done prior to approval of this project
3. That voting on this project be delayed until you have visited with us out at our property
4. That voting on this project be delayed until the proper soil testing is done
5. That this email is included in the meeting agenda for January 2, 2024. We were under the impression that this meeting was going to be delayed until January 16, 2024, per discussion at the Planning & Zoning Committee meeting on December 20, 2023.

Bruce cell: 218-849-4637

Pam cell: 218-849-4627

Sincerely,

Bruce and Pam Paskey



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Vareberg stated that after the December 20th, 2023, meeting that We Fest consented to work with Braun Intertec to consult on the geologic concerns.

MOTION: Seaberg motioned to approve the Findings without changes; Aho Second. All in Favor. Motion Carried.

Second Order of Business: Consider removal of a member for non-performance of duty or misconduct in office.

Brian McDonald, County Attorney, stated that there is no case law interpreting this. He said he only generally knows the allegations, not the specifics, and that he thinks misconduct would be things more serious such as embezzlement or voting on things you have personal gain in. He stated that he is not a voting member and just advises that whatever decision the board makes, that it is documented thoroughly.

Jepson asked McDonald if as far as he knows of the allegations, does he see misconduct.

McDonald said from what he has heard, it seems to be more of a personal character attack, and that he would interpret the ordinance to mean criminal misconduct.

68 Hall spoke and shared the following:
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Per the Becker County Zoning Ordinance dated April 5th, 2022, in chapter two (administration), section two, letter C, the Commission may call for the removal of any member for non-performance of duty or misconduct in office. Per chapter eleven (definitions), section one, letter A, Certain words or terms used in this Ordinance shall be interpreted according to the following rules: A. Whenever a word or term defined in Section 2., below, appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition. If no set definition is given in the Ordinance, the word may be interpreted according to the dictionary definition. Neither non-performance of duty or misconduct in office are defined by the Becker County Zoning Ordinance.

According to the Merriam-Webster dictionary misconduct is defined as:

1

: mismanagement especially of governmental or military responsibilities

2

: intentional wrongdoing

specifically : deliberate violation of a law or standard especially by a government official : **MALFEASANCE**

3

a

: improper behavior

b

: **ADULTERY**

4

: a penalty (as in ice hockey) for improper behavior or abusive language (as toward an official)

And improper as

: not proper: such as

a

: not in accord with propriety, modesty, good manners, or good taste

improper language

b

: not suited to the circumstances, design, or end

improper medicine

c

: not regularly or normally formed or not properly so called

d

: not in accord with fact, truth, or right procedure : **INCORRECT**

improper inference

70

Within the definition located of misconduct the term improper is used to describe behavior. The Commission finds Steve Lindow to have met the definition of misconduct and improper behavior multiple times when acting as a Planning Commission member during the following times:

1. Improper Inference by going to the County board and disputing and objecting the Commission recommendation regarding Zurn Feedlot while acting as an official member of the Planning Commission as stated in the County Board recording on May 16th, 2023. Steve Lindow insisted the procedure of the application should have been done differently. He referred as to what the job of Planning and Zoning is and what they did not do and should have done. Steve Lindow recommended the application be tabled. He said this would make a more thorough and better decision in the future. Therefore, he did not follow procedure and publicly disputed the recommendation by the Planning Commission which he is a member of.
2. Improper inference during applications by asking non-relevant questions of the applicant and commission. Steve Lindow consistently asks the same or similar questions expecting a different result or answer. This inference is disruptive to the hearing and how hearings are conducted.
3. Improper language used against Planning Commission Board Chairman. In a conversation at a special Planning Commission meeting held May 16th, 2023 Steve Lindow became belligerent and implied the Chairman of the Planning Commission was untruthful and could not be trusted to provide accurate information moving forward. This is improper language used toward the Planning Commission Chairman, an appointed committee official of Becker County.
4. Improper behavior towards applicants not using good manners, see Eric Zurn letter dated Jan. 6th, 2024.
5. Improper behavior by refusing to accept direction from the Planning Commission Chairman during hearings which also causes board inference and disruption.
6. Improper behavior by failing to accept information provided by the commission and applicants and is unable to stay within the parameters and procedures of the Planning Commission, again providing more inference.

71 Hall asked if Lindow is really fit to be a member of the Planning Commission and is he a good
72 representation of the County.
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74
75 Jepson asked McDonald if he had an opinion after hearing that.
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77 McDonald said that procedure has been followed in bringing this up, but that he has already
78 stated his opinion on what he thinks misconduct is.
79

80 Skalin said he agrees with Hall's statement.
81

82 Aho said he agrees also. He commented that Lindow does not stick to the purpose of what they
83 are there for most of the time, and continuously goes off track.
84

85 Skalin used earlier discussion during the findings as an example when Lindow went off track
86 about docking after being told that the Department of Natural Resources (DNR) is the regulatory
87 authority.

88
89 Jepson said she understands what everyone is saying and that there has been a lot of frustration,
90 but she wants to look at the word misconduct and doesn't feel there is misconduct. She said
91 there's frustration and other stuff, but not necessarily misconduct. She feels Lindow's behaviors
92 could be remedied with more guidance. Because of that, she doesn't feel that she could vote to
93 remove him for misconduct.

94
95 McDonald shared procedure stating that whatever is decided today is a recommendation that will
96 be sent to the County Board for final decision.

97
98 Jepson said she doesn't want to set a precedent for removing members just because they are
99 asking a lot of questions or they are asking irrelevant questions if they haven't been given
100 enough guidance to help them understand more. She said she doesn't know who would provide
101 that or where it would come from, just that as a Board member, she doesn't think she could vote
102 to remove him due to misconduct.

103
104 Skalin asked who is responsible to guide and direct Lindow.

105
106 Hall stated that the Board Chair has tried multiple times at meetings and Lindow doesn't listen to
107 direction, and that it continues almost every month.

108
109 Jepson said she understands and needs to be careful when it comes to removing someone for
110 misconduct.

111
112 Seaberg asked Hall to read the the portion of the ordinance again that he read earlier.

113
114 Vareberg read the part that talks about if there is no definition listed in the ordinance, how it is
115 interpreted.

116
117 Mary asked if it even needed to be voted on at the Planning Commission level since he was
118 appointed by Jepson and the Commissioners voted to approve that appointment.

119
120 Vareberg stated that a Planning Commission member can call for it to be discussed and voted on.

121
122 Jepson said she thinks that Lindow asks a lot of questions because he doesn't understand or trust
123 the Planning and Zoning process. She said she has told him that he needs to trust that the
124 Planning and Zoning boards are doing their job and what they are supposed to be doing.

125
126 Aho asked what is their purpose as a board. Do they look at other agencies or the Findings of
127 Fact. He said its not their job to get involved where other agencies have authority.

128
129 Hall said their job is not to give testimony, but to listen to testimony and make a decision within
130 their lane.

131
132 Blomseth stated that this hearing goes back to misconduct. He said that in all his years on the
133 Board he was always told that they are bound by state guidelines and have a maximum of sixty

(60) days to judicate. If it falls within that, they can table it. They found out later from McDonald about the one-time rule. As a result, he said after the May Special meeting, Lindow accused Blomseth of being a liar and said he could never believe anything from him going forward. Blomseth said if that is not misconduct, and he can't be removed for that, then why are they there. He said he told Lindow that it was not his guideline. That is was given to him by the County. He said it became misconduct when Lindow approached him like that. He said if that is not misconduct, and he can't be removed by the Board, then why do they even have that ordinance.

Moritz commented that he was on the tail-end of that discussion that day, and that while he didn't hear the full discussion, that it sounded like a personal attack against Blomseth.

Skalin said that speaking against the Planning Commissions recommendation at the County Board meeting May 16th, 2023 never should have been allowed. He said if Lindow doesn't agree with the group, why does he want to be a part of it.

Seaberg said she thinks this is more conflict than misconduct. She stated that personality conflicts look bad at the meetings when they happen. She said that maybe he needs to know the ordinance better and ask questions to the Planning and Zoning office and committee members when he doesn't understand.

Jepson said the part in the ordinance about removal of members should be better defined when the ordinance gets updated.

Mattson said that it should be addressed between what happened with Blomseth and Lindow at that meeting, and make their decision on that singular incident. He said if that is what happened, and Lindow went against the Chairman in public, then he would not agree with what Lindow did.

Lindow stated that he's never been told what he's doing wrong other than to hurry up at meetings. He said he thought a lot of his questions were to the point. He said sometimes he tries to put his questions into context so the recipient can better understand what he is asking. He said there are no rules to technique. He thinks he gets a better answer if he frames his questions when asking. He said if he needs to shorten his questions, he can do that. He asked about the December 20th, Planning Commission meeting when Hall made a motion to remove him and asked if there was a second.

Blomseth stated that there wasn't a motion. He said it was a request to add it to the agenda for this meeting.

Lindow asked if the Commission can ask for removal if a vote wasn't taken.

Jepson said that's what this meeting is for.

Lindow said the incident with Blomseth seems to be a big deal. He said they were told they had to decide that night about the feedlot because of the sixty (60) day rule. He found out later from McDonald that there's a one-time right to table the application.

180

181 McDonald said he should have spoken up, but even if he had, it probably wouldn't have
182 changed anything because when the County Board met they had already been apprised of that
183 rule.

184

185 Lindow said he went to Blomseth because Blomseth said they had to make a decision. He felt
186 that he went to Blomseth in a quiet way, but that Blomseth got upset, and as he walked away he
187 told Lindow that he was repeating what Vareberg said. Lindow said he did not call Blomseth a
188 liar. He said he did not use that word.

189

190 Blomseth said it is not what Kyle said, and he showed the group what he reads at every meeting
191 regarding the sixty (60) day rule. He said he tried to explain that to Lindow, and that's when
192 Lindow called him a liar and said he could never believe another word Blomseth says. That
193 referenced sheet is entered below:

194

195

Planning & Zoning

My name is _____, and I will open this meeting of the BC Planning & Zoning Committee and ask its' members to introduce themselves starting on my left.

Approve (if any) corrections & additions to minutes from previous meeting

This evenings hearing protocol:

- Introduce any old business that was set aside from a previous meeting
- Introduce new business – which will consist of Conditional Use Permits; Change of Zone and Preliminary Plot Approvals
 - ✓ Ask the applicant to step forward and introduce their application.
 - ✓ I would ask no one in the general audience to direct any comments to the applicant without going through this board.
 - ✓ Sufficient time will be given to those who would like to comment on the application.
 - ✓ After all have spoken we will ask the admin staff to read any written correspondence not in our packets.
 - ✓ Then we will close testimony and the board will deliberate.
- This board is one of recommendation to the County Board of Commissioners. Typically, they address P&Z matters between 9:30am on Tue. _____
- This Board is bound by state guidelines allowing a maximum of 60 days from the date of the application to approve or deny. If the next hearing date does NOT fall within the 60 days, we will need to judicate on the application this evening. However...the applicant may table their request at any time with no additional fees.
- Please shut of all cell phones and we will begin.

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198 Lindow said he never called him a liar, but that he talked about trust.

199
200 McDonald asked Vareberg if it would be accurate to say that the one-time labeling is generally
201 done through the Planning and Zoning office and not necessarily at the Planning Commission.
202
203 Vareberg said historically speaking that is correct.
204
205 Seaberg said it was asked of the applicant if he would like to table, and the applicant said no.
206
207 Lindow said the Planning Commission had the right to extend.
208
209 McDonald said under the law there is a one-time right to table for sixty (60) days, that he failed
210 to bring that up to the Planning Commission at that meeting, and said he has acknowledged that
211 fact numerous times.
212
213 Skalin said that isn't why they are there. It's not the discussion point.
214
215 Lindow said it's for them to understand where he is coming from. He said he thought the
216 Planning Commission had the right to extend that time period, but then was told they didn't have
217 that right. He said he did not use the word liar, nor does he use that word. He apologized to
218 Blomseth if he took in a way that Lindow did not intend for it to go.
219
220 Lindow, in regard to him going to the Board, said Barry asked him if he was there representing
221 himself or if he was there representing the Planning Commission. He said he told them both. The
222 part of him representing the Planning Commission was that he wanted to correct the thing they
223 were told about needing to make a decision that night. He said that was new information.
224
225 McDonald told Lindow that he had made it very clear to him that he, McDonald, had failed to
226 bring it up, and that at no point he blamed the Commission or the Chair. McDonald said he was
227 just stating it was a legal option he hadn't thought of.
228
229 Lindow said he did not try and sway the board to go a certain direction. That all he did was
230 explain what he thought they had as a right to do. He said he's not saying anything bad about
231 what McDonald tried to do, but that as far as the Commission goes, they were told something
232 that was not accurate. He said they had the ability to change the time frame in which they had to
233 meet and he wanted to explained that to the County Board. Lindow said it had nothing to do with
234 going against what the Commission's vote was. He said it was a piece of information that came
235 up, it was new. He said he was waiting till the end of testimony to bring it up in hopes that
236 Jepson, Okeson, or Vareberg would mention it at the Board meeting. He said it wasn't brought
237 up so he waited till the end and spoke, so that he could correct that error.
238
239 Jepson said there is a lot that has been brought up about one incident and that it should have
240 been addressed several months ago. She said if you were going to look at these incidents as
241 misconduct, then they should have been addressed several months ago. She said there was no
242 conversation when it occurred like the one today, and that it should have been brought up at that
243 time.
244

Aho said that he brought it up at a meeting that if Lindow didn't want to follow the guidelines, that he should step aside, but noted that Jepson wasn't at that meeting.

Hall told Jepson that he contacted her a long time ago and that her advice was to give it a little more time. Hall said this is the one incident that he thinks blatantly breaks that rule. He said there have been many others, but this is the one that really crosses a line.

Jepson said that misconduct wasn't brought up at that time. She said yes, it was frustrating and inappropriate, but that being frustrated doesn't mean accusing someone of misconduct.

Disse said this isn't the first time someone has been removed. He said the County Commissioners have removed two (2) people. He said this was a long time ago, but that a former Zoning Administrator and two (2) Commissioners had two (2) people removed. Disse asked Lindow to not bring things up over and over, and to get to the point during meetings.

Lindow, in regard to when he went to the Board, said that he waited till the end and then felt forced to say something at that point. He also wanted to mention to the Board a conversation he had with a conservation officer right before the feedlot meeting. He said the conservation officer told him that he is the one to determine if something is safe or not regarding shooting on the property. Lindow said he also went to the Board to bring up his thoughts that a tech committee should meet regarding an issue that big. He said that he did not go there to change the vote. He went there to change the three points he made and to add to the conversation, so that they had a better context on what they were going to do. He said he did suggest sending it back to the Planning Commission, but that Nelson said he didn't like people telling him what to do. Lindow said it was presented as an option, and that's all it was.

Jepson said she had talked with him before and explained that once a decision is made by the Planning Commission that is what it is, and that if he has further concerns that needs to go to Vareberg or Blomseth, because they are the ones who speak on behalf of the Planning Commission.

Lindow asked that if he had presented Vareberg or Blomseth with the new points if they could have brought it up to the board.

Jepson said yes.

Mattson said that him and Lindow got on the Planning Commission at the same time and that they need to have faith in the board members and not question them at every point that you get. He said they are not in charge of waterways or guns going off. Those are mute points to the Planning Commission. He said they listen to the proposal and vote on it.

Lindow said he wasn't going there to change the vote. He was going there with new information, and he understands now that wasn't the way to do it. He said at that point he didn't understand he couldn't go to the Board with new information, and that if going to Vareberg or Blomseth is a better way to handle it, then that is what he will do.

291 Skalin asked Lindow, if you go to the Board telling them not to do this process, then are you not
292 trying to reverse the decision of the Planning Commission. He said Lindow went there to provide
293 new evidence and new testimony against the project. Skalin said these guys are smart enough to
294 do their own research. They are capable of reaching out to the County Attorney or asking the
295 DNR for an opinion.

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297 Lindow said that he has a right to defend himself, and that Skalin is being disrespectful.

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299 Skalin asked what his reasoning would be to go to the Board and provide all that evidence if it
300 wasn't to change the vote.

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302 Lindow said it was new evidence.

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304 Skalin asked if it was evidence to support it or deny it.

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306 Lindow said in this case, to deny it.

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308 Lindow said if he would have had new evidence to support it, he would have provided that also.

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310 Lindow said he's concerned about his due process. He said he had no idea any of this was going
311 on as a concern.

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313 Skalin asked Jepson if she had talked with Lindow about this.

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315 Jepson said yes.

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317 Lindow said there are a lot of accusations being made, and that he should be given a good
318 amount of time to answer them.


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320 Lindow said that when he started he tried reaching out to Vareberg to find out what his role was
321 on the Planning Commission. He said he spoke with Bradbury (Hultin) who responded with the
322 following email:


323

Planning Commission Questions



Nicole Hultin

To  steve.lindow@yahoo.com

 You forwarded this message on 1/9/2024 10:18 AM.



Hi Steve,

Just following up on our conversation from the other day.

We have several new members on the Planning Commission this year, so Kyle will answer any and all questions at the tour meeting on April 19th.

Thanks!

Nikki Hultin

Zoning Technician/E911 Coordinator

Becker County Zoning Office

nicole.hultin@co.becker.mn.us

218.846.7314 x 7349

Lindow said since he has started, he has learned that the Pollution Control Agency has control over a lot of things he's concerned about. He said he's learning that if he asks a question and finds out another agency has control, to let it go and move on. He said it would have been nice to know some of this stuff ahead of time. Lindow said he's open guidance. He said Jepson has talked with him to some extent, but that no administrator ever talked to him about what he was doing in his questioning and technique. He said Nelson complimented him at the start of the meeting on how he asks questions, so Lindow thought he was doing an okay job.

Lindow said he should have had something orally spoken to him about how he was doing something wrong, and that if he continued to do it, the procedure should have involved a written reprimand, and then maybe have gotten to this point had he continued. He said there's a due process that should have happened, but it didn't happen. He said he's open to guidance. If he's doing something wrong, he can correct it.

He said he didn't know that everyone had a problem with what he was doing, but now that he knows, he trying to correct it and steer things in a manner acceptable to the group. He said he wants to stay on the Planning Commission. He thinks he brings a lot of good information to the group. He said he has a really good environmental background, and a lot of his concerns are going to be in that direction. He said if they want to write something up stating what he needs to do, that he will sign it. He said he's learned and corrected some of that.

Lindow asked Vareberg to let him know if an issue comes up.

Vareberg stated that is not his role.

Blomseth said that is his role, which he has done at meetings when he asks Steve to ask a question and not to be testifying, but he continues.

McDonald said his recommendation at this point, while already knowing his legal stance, is for the Planning Commission to focus on the interaction between Lindow and Blomseth, and the appearance in front of the County Board. He said his opinion is that asking too many questions or not being focused is not misconduct.

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Motion: Hall motioned to remove Lindow from the Planning Commission for all of the above reasons including his testimony today. Ailie Second.

Seaberg said that Hall didn't mention misconduct in his motion.

Hall said the misconduct was included in "all the reasons above" including his testimony he shared.

McDonald asked Hall to introduce the documents he shared into record.

Those documents previously entered in the minutes are entered into record again below:

Per the Becker County Zoning Ordinance dated April 5th, 2022, in chapter two (administration), section two, letter C, the Commission may call for the removal of any member for non-performance of duty or misconduct in office. Per chapter eleven (definitions), section one, letter A, Certain words or terms used in this Ordinance shall be interpreted according to the following rules: A. Whenever a word or term defined in Section 2., below, appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition. If no set definition is given in the Ordinance, the word may be interpreted according to the dictionary definition. Neither non-performance of duty or misconduct in office are defined by the Becker County Zoning Ordinance.

According to the Merriam-Webster dictionary misconduct is defined as:

1

: mismanagement especially of governmental or military responsibilities

2

: intentional wrongdoing

specifically : deliberate violation of a law or standard especially by a government official : **MALFEASANCE**

3

a

: improper behavior

b

: **ADULTERY**

4

: a penalty (as in ice hockey) for improper behavior or abusive language (as toward an official)

And improper as

: not proper: such as

a

: not in accord with propriety, modesty, good manners, or good taste
improper language

b

: not suited to the circumstances, design, or end
improper medicine

c

: not regularly or normally formed or not properly so called

d

: not in accord with fact, truth, or right procedure : **INCORRECT**
improper inference

Within the definition located of misconduct the term improper is used to describe behavior. The Commission finds Steve Lindow to have met the definition of misconduct and improper behavior multiple times when acting as a Planning Commission member during the following times:

1. Improper Inference by going to the County board and disputing and objecting the Commission recommendation regarding Zurn Feedlot while acting as an official member of the Planning Commission as stated in the County Board recording on May 16th, 2023. Steve Lindow insisted the procedure of the application should have been done differently. He referred as to what the job of Planning and Zoning is and what they did not do and should have done. Steve Lindow recommended the application be tabled. He said this would make a more thorough and better decision in the future. Therefore, he did not follow procedure and publicly disputed the recommendation by the Planning Commission which he is a member of.
2. Improper inference during applications by asking non-relevant questions of the applicant and commission. Steve Lindow consistently asks the same or similar questions expecting a different result or answer. This inference is disruptive to the hearing and how hearings are conducted.
3. Improper language used against Planning Commission Board Chairman. In a conversation at a special Planning Commission meeting held May 16th, 2023 Steve Lindow became belligerent and implied the Chairman of the Planning Commission was untruthful and could not be trusted to provide accurate information moving forward. This is improper language used toward the Planning Commission Chairman, an appointed committee official of Becker County.
4. Improper behavior towards applicants not using good manners, see Eric Zurn letter dated Jan. 6th, 2024.
5. Improper behavior by refusing to accept direction from the Planning Commission Chairman during hearings which also causes board inference and disruption.
6. Improper behavior by failing to accept information provided by the commission and applicants and is unable to stay within the parameters and procedures of the Planning Commission, again providing more inference.

Seaberg said she wanted to address one thing which is that it's in the ordinance what their job is. She said it's the Findings of Fact. Those findings are what they have to judicate on. She said when you're told over and over that it's the issue of another agency, you need to learn that. She said she learned it by reading the ordinance, and that he needs to do that also.

Disse said they all get an ordinance when they join the Planning Commission, and that maybe Lindow should have read the rules.

Roll Call: Skalin, Disse, Ailie, Hall, Moritz, Aho, Bowers, and Blomseth in Favor. Mattson, Seaberg, and Lindow opposed. Motion Carried.

387 Since there was no further business to come before the Board, Aho made a motion to
388 adjourn. Disse second. All in favor. Motion carried. The meeting adjourned at 9:15 am.
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393 _____
394 **David Blomseth, Chairman**

_____ **Jeff Moritz, Secretary**

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396 ATTEST

397 _____
398 Kyle Vareberg, Zoning Administrator